FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of 366 parking spaces in lieu of the required 376 spaces and to approve a modified plan pursuant to Section 409.12.B of the B.C.Z.R. for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioner, by Murray L. Wolman, General Partner, appeared, testified and was represented by Charles B. Heyman, Esquire. There were no Protestants.

Testimony indicated that the subject property consists of 5.358 acres more or less zoned B.M. and B.M.-C.S.A. and is the site of the Merritt Boulevard Shopping Center. Petitioners are desirous of constructing a one-story addition to the existing Murrays Steaks store located at the north end of the shopping center. Proffered testimony indicated that the proposed addition is needed to accommodate growing business. Mr. Heyman proffered that due to the layout of the existing store, the topography of the land and the location of existing improvements thereon, there is no other suitable location to place the proposed addition and meet parking requirements at the same time. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-129-14 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section __409.6 of BCZK_to_allow_a_total_of_366_parking_spaces_instead__

of the required 376 spaces (a variance of 10 spaces) and to approve modified

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be shown at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and affirm, ler the penalties of perjury, that I/we

	are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s): Merritt Boulevard Limited Partnership.
(Type or Print Name)	(Type or Print Name) By: General Partner
Signature	Murray L. Wolman (Type or Print Name) General Partner
Address	(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
City and State	Signature
Attorney for Petitioner: Charles B. Heyman	3 Greenwood Place - Suite 300 Phone No.
(Type of Print Name)	Baltimore, MD 21208 City and State
20 S. Charles Street, 10th Eloor	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Baltimore, MD 21201 City and State	
Attorney's Telephone No.: 539-6967	Address Phone No.
ORDERED By The Zoning Commissioner of	of Baltimore County, this day the subject matter of this petition be advertised, as the in two newspapers of general circulation through-
out Baltimore County, " County in Room	and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and that the public hearing be had before the 20ming and 20m

County, on the _____ day of _____, 19____, at ____ o'clock

7/10 26 125

1112 -81 - 145

of the surrounding uses and that to deny same would only create practical difficulty for Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

difficulty for an area variance, the Petitioner must meet the following: 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

burdensome:

EKC

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2/h day of November, 1991 that the Petition for Zoning Variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of 366 parking spaces in lieu of the required 376 spaces and to approve a modified plan pursuant to Section

DESCRIPTION FOR PARKING VARIANCE

MERRITT POINT SHOPPING CENTER

12TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

of the east side of Merritt Boulevard (120 feet wide) and the north

side of Westfield Road (60 feet wide) as shown on "Amended Plat of

Merritt Point Shopping Center" which is recorded among the Land

Records of Baltimore County, Maryland in Plat Book E.H.K. Jr. 30

at Folio 105; thence leaving said point so fixed and binding on the

east side of Merritt Boulevard, referring all courses to the

(1) Northerly by a line curving to the left having a radius of

1014.93 feet and an arc length of 150.36 feet subtended by a chord

(2) North 14 degrees 53 minutes 38 seconds West 275.56 feet;

thence leaving the east side of Merritt Boulevard and binding on

(3) North 75 degrees 06 minutes 22 seconds East 437.00 feet;

(4) South 14 degrees 53 minutes 38 seconds East 582.37 feet to the

(5) Westerly by a line curving to the right having a radius of

820.00 feet and an arc length of 328.47 feet subtended by a chord

(6) North 79 degrees 27 minutes 10 seconds West 133.19 feet;

South 89 degrees 04 minutes 18 seconds West 326.28 feet; thence

north side of Westfield Road; thence binding thereon

North 10 degrees 38 minutes 59 seconds West 150.22 feet; thence

Baltimore County Metropolitan District Grid Meridian

the outline of the aforementioned plat

BEGINNING FOR THE SAME at a point located at the intersection

92-129-A

409.12.B of the B.C.Z.R. for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Kofraw Deputy Zoning Commissioner

1) The Petitioners may apply for their building

TMK:bjs

for Baltimore County

CERTIFICATE OF POSTING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

November 11, 1991

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

luthy / lotron

Deputy Zoning Commissioner

TIMOTHY M. KOTROCO

for Baltimore County

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

111 West Chesapeake Avenue

Charles B. Heyman, Esquire

Baltimore, Maryland 21201

Case No. 92-129-A

Dear Mr. Heyman:

TMK:bjs

cc: People's Counsel

File

20 S. Charles Street, 10th Floor

RE: PETITION FOR ZONING VARIANCE

(Merritt Point Shopping Center)

in accordance with the attached Order.

NE/Corner Merritt Boulevard and Westfield Road

12th Election District - 7th Councilmanic District

Merritt Boulevard Limited Partnership - Petitioner

Towson, MD 21204

887-3353

6 arianco Em property of Peterson

Number of Signe:

(7) North 42 degrees 56 minutes 20 seconds West 23.84 feet to the

CONTAINING 5.358 acres of land, more or less.

July 12, 1991 Work Order No. 70491C



CERTIFICATE OF PUBLICATION

OFFICE OF

IOTICE OF HEARING A. Subinare County Courthouse, 20 Westington Avenue, Toursen, Joyland, 27204 on Subserve. CASE SUBSERVE 82-129-A 7th Considerate States
Patitionals Marie Systemati
Limited Perturation
Limited Pertura , 1981 at 10:00 a.m. ferience to allow a total of 36 parting spaces instead of the repired 376 spaces is variance of 10 spaces; and to approve modified plan.

Laurence E. Schmidt
Zening Commissioner of Bultimore County

Dundalk Eagle 4 N. Center Place

P. O. Box 8936 October 10, 1991 Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing -Case #92-129-A - P.O. #0115274 - Reg. #M49750 -59 lines @ \$29.50
Was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the

19 91; that is to say, 11th day of October the same was inserted in the issues of October 10, 1991.

Kimbel Publication, Inc.

Merritt Point Shopping Center July 12, 1991 Page No. 2

place of beginning

BEING known and designated as Lot 1 and Lot 2 as shown on "Amended Plat of Merritt Point Shopping Center" which is recorded among the Land Recrods of Baltimore County, Maryland in Plat Book E.H.K. Jr. 38 at Folio 105.

KCI Job Order No. 01-89001B



NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as fol-Case Number: 92-129-A NEC Merritt Boulevard and Westfield Road Merritt Point Shopping Center 12th Election District 7th Councilmanic Petitioner(s): Merritt Boulevard Limited Partnership Hearing Date: Monday, Nov. 4, 1991 at 10:00 a.m. Variance: to allow a total of 366 parking spaces instead of the required 376 spaces (a variance of 10 spaces); and to approve modified plan.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on ______, 19 ____.

D37.52

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

October 23, 1991

Charles B. Heyman, Esquire 20 S. Charles Street 10th Floor Baltimore, MD 21201

RE: Item No. 132, Case No. 92-129-A Petitioner: Merritt Blvd Lmtd Prtnrshp Petition for Zoning Variance

887-3353

Dear Mr. Heyman:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Zoning Commisioner He comme PRICE THE STATE OF SHIP OF SHIP OF THE RESERVE STATES, NO TOTAL: \$175.00 LOST HOR OF CHARLES TRAPPORT BOWL ATTE 04A04#0130MICHRC BA CO12:09PM09-17-91
Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building County Office Building 111 West I hesapeake Avenue

Account: R-001-6150

a karangan jadi Please Make Checks Payable To: Baltimore County

Zoning Plans Advisory Committe Coments Date:October 21, 1991

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. Murray L. Wolman Merritt Blvd Lmtd Prtnrshp 3 Greenwood Place, Suite 300 Baltimore, MD 21208

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

111 West Chesapeake Avenue Towson, MD 21204

DATE: 10-25-91

Merritt Boulevard Limited Partnership 3 Greenwood Place Baltimore, Maryland 21208

CASE NUMBER: 92-129-A NEC Merritt Boulevard and Westfield Road Merritt Point Shopping Center 12th Election District - 7th Councilmanic Petitioner(s): Merritt Boulevard Limited Partnership HEARING: MONDAY, WOVEMBER 4, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 7202 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Your petition has been received and accepted for filing this

Petitioner: Merritt Boulevard Lmtd Partnership, et al

Petitioner's Attorney: Charles B. Heyman

Zoning Plans Advisory Committee

17th day of September, 1991.

887-3353

Lawrence E. Schmidt ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue

Towson, MD 2120+

cc: Charles B. Heyman, Esq.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 26, 1991

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-129-A NEC Merritt Boulevard and Westfield Road Merritt Point Shopping Center 12th Election District - 7th Councilmanic Petitioner(s): Merritt Boulevard !imited Partnership HEARING: MONDAY, NOVEMBER 4, 1991 at 10:00 a.m.

Variance to allow a total of 366 parking spaces instead of the required 376 spaces (a variance of 10 spaces); and to approve modified plan.

Zoning Commissioner of Baltimore County

> cc: Merritt Boulevard Limited Partnership Charles B. Heyman, Esq.

> > BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director

Development Management

SUBJECT: Merritt Boulevard Limited Partnership, Item No. 132

Based upon an analysis of the site and the information provided,

No CRG or waiver is required for this project since this proposed addition constitutes a minor expansion. While the expansion and the requested variances will not negatively impact the site, existing deficiencies should be addressed, e.g., a lack of suitable landscape treatment. Therefore, a landscape plan should be submitted to the Baltimore County landscape planner for approval by the deputy director of the Office of Planning and Zoning. A copy of the approved plan shall be forwarded to the Zoning Office to be maintained in the official file. This office is primarily concerned about the provision of street trees along Merritt Boulevard and

PK/JL/rdn

ITM132/TXTROZ

INTER-OFFICE CORRESPONDENCE

DATE: September 30, 1991 Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning

staff offers the following comments:

Westfield Road.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 18, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

2.A.C. MEETING DATE: October 1, 1991

This office has no comments for item numbers 127, 129, 130, 131, 132, 133, 134, 135, 138, 139, 140 and 141.

Rahee J. Famili
Traffic Engineer II

RJF/lvd



Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Duilding
Towson, MD 21204

RE: Property Cwner: MERRITT POULEVARD LIMITED FARTNERSHIP

Location: NEC MURRITT PLVD. AND MUSTELLD DD.

Item No.: 132 Zonino Agenda: OCTOBER 1, 1991

Centlemen:

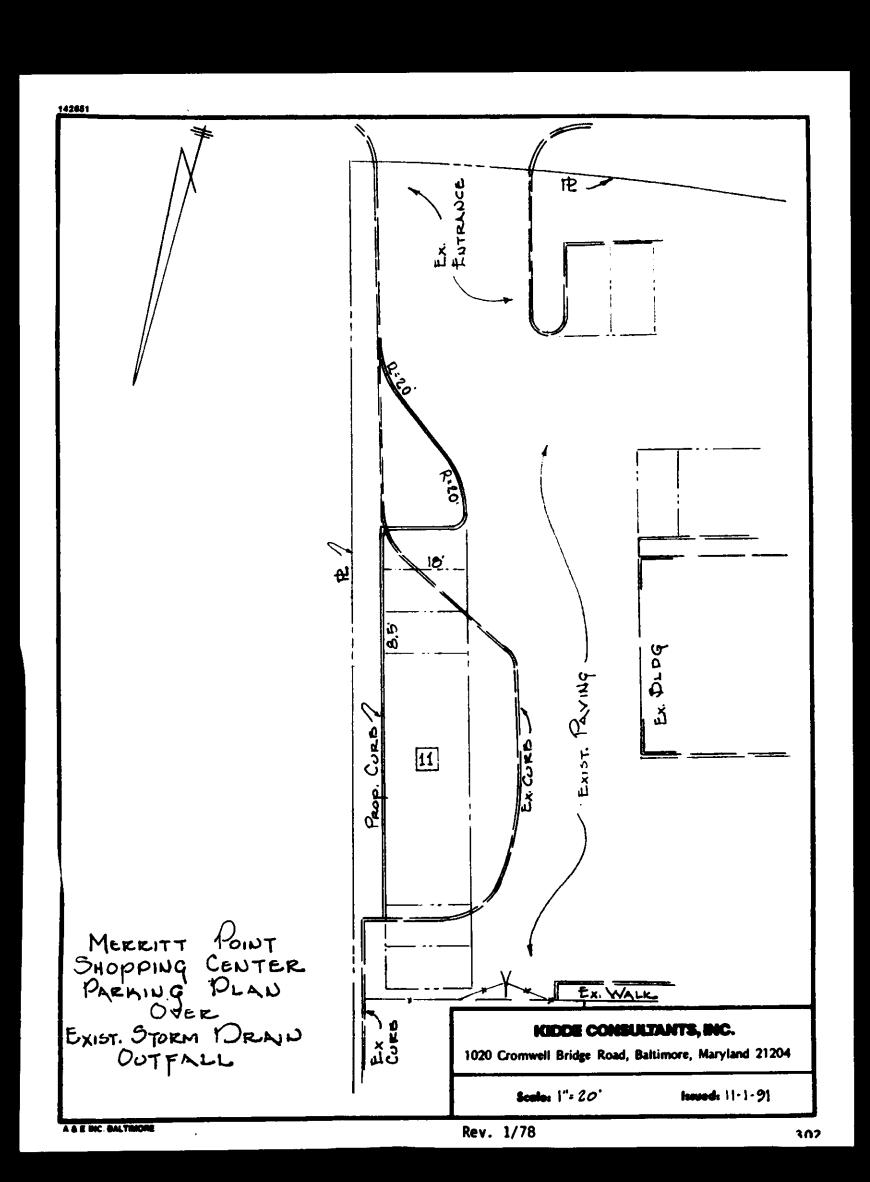
Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

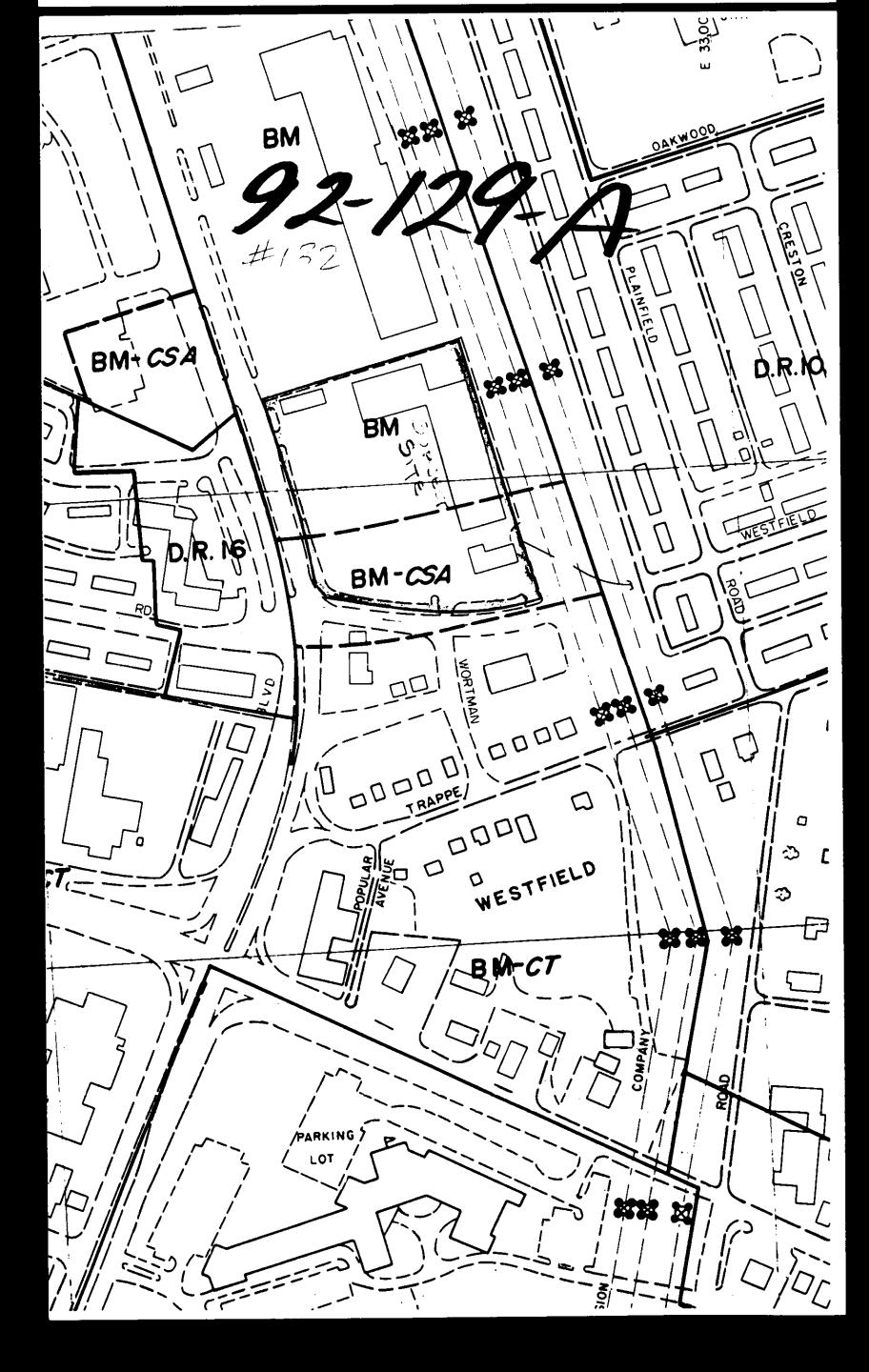
(301) 887-4500

7. The Fire Prevention Pureau has no comments at this time.

POTENTE: A Proposed () The Prevention Eureau Special Inspection Division

JP/YEK





BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with as comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

Robert Bowling
ROBERT W. POWLING, P.E. Chief
Developers Engineering Division

RWB:s

PROTESUANT(S) SIGN-IN SHEET

NAME	ADDRESS
CHARLES B. HEYMAN	20 & CHARLES ST-10 FI. BAUE 2
MURRAY LADERAN	3 61 61 112 12 9123
PICHARD - Sonita	MCI. TECHNOLOGIES RU 210
	
	
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